

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

| | | |
|---------------------|---|----------------------------|
| Keith Burris, |) | C/A NO: 8:04-22682-CMC-BHH |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| Jail Administrator, |) | |
| |) | |
| Defendant. |) | |
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This action is brought by a *pro se* Plaintiff seeking relief pursuant to 42 U.S.C. § 1983. Defendant filed a motion for summary judgment. In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b).

Based on her review of the record, the Magistrate Judge has recommended that the action be dismissed for lack of prosecution because Plaintiff failed to respond to Defendants' motion for summary judgment even though he was advised by the Magistrate Judge of the possible consequences if he failed to respond adequately. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation. Plaintiff has filed no objections and the time for doing so has expired.

Several items mailed to Plaintiff have been returned marked "No Longer at This Address." After reviewing the complaint, the motion, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. This action is **DISMISSED** *for lack of prosecution*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 17, 2005

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